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## STATE OF VERMONT

### Legislative Committee on Administrative Rules (LCAR)

January 20, 2023

#### SENT VIA ELECTRONIC AND VERMONT INTERDEPARTMENTAL MAIL

The Honorable Sarah Copeland Hanzas  
Secretary of State  
State of Vermont  
128 State Street  
Montpelier, VT 05633-1101  
Sarah.CopelandHanzas@vermont.gov

#### ***Re: 22-E15 – Transitional Housing Program Emergency Rules***

Dear Secretary Copeland Hanzas:

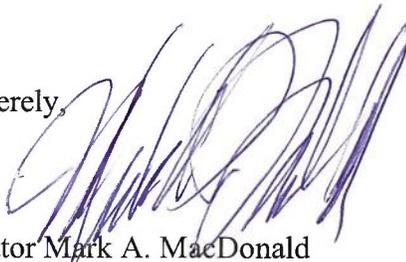
On January 5, 2023, a majority of the Legislative Committee on Administrative Rules voted to indicate to the Department for Children and Families that it was considering objecting, and subsequently certifying that objection, to 22-E15, Transitional Housing Program Emergency Rules, adopted as an emergency rule by the Department for Children and Families and effective commencing on September 28, 2022, pursuant to 3 V.S.A. § 844(e). Specifically, the Legislative Committee on Administrative Rules indicated to the Department for Children and Families that it was considering whether or not to object to Sec. TH-102(8), which provides that an Applicant Household must “apply for the Transitional Housing Program by October 1, 2022 [and that the] Department will not accept applications submitted after October 1, 2022” on the grounds that this portion of the rule is contrary to the intent of the General Assembly.

On January 19, 2023, the Legislative Committee on Administrative Rules considered the Department for Children and Families’ response to the possibility of an objection and a majority of the Committee voted to object to Sec. TH-102(8) of 22-E15, Transitional Housing Program Emergency Rules, pursuant to 3 V.S.A. § 844(e)(1)(B), on the grounds that this portion of the rule is contrary to the intent of the General Assembly. On January 19, 2023, a majority of the Legislative Committee on Administrative Rules also voted to file the objection to Sec. TH-102(8) of 22-E15 in certified form with the Secretary of State, pursuant to 3 V.S.A. § 844(e)(2).

The Legislative Committee on Administrative Rules requests that your Office inform any interested party that the Committee’s objection has legal effect under 3 V.S.A. § 844(e)(2). That subdivision of the Administrative Procedure Act provides in part that: “[T]o the extent that the objection covers a rule or portion of a rule, the burden of proof thereafter shall be on the agency in any action for judicial review or for enforcement of the rule to establish that the part objected to is . . . consistent with the intent of the Legislature . . .”

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark A. MacDonald", written over a faint circular stamp.

Senator Mark A. MacDonald  
Chair, Legislative Committee on Administrative Rules

cc: Interim Commissioner Harry Chen, MD, Vermont Department for Children and Families  
Members, Legislative Committee on Administrative Rules  
Louise Corliss, APA Clerk, Office of the Secretary of State  
Charlene Dindo, Committee Assistant, Legislative Committee on Administrative Rules  
(electronic mail only)